

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

TERRI DACRUZ, as Mother and)	
Next Friend of C B,)	
Plaintiff,)	
)	
v.)	No.
)	
)	JURY TRIAL DEMANDED
MICHAEL ROBERT OLDANI,)	
)	
Defendant.)	

COMPLAINT

Comes now plaintiff and for her claim against defendant states as follows:

1. Plaintiff is a resident of Burlington County, New Jersey. Plaintiff is the Next Friend and Mother of C B, also a resident of Burlington County, New Jersey, who is the son of the deceased, John Glen Lang. C B is a person entitled under Missouri law to bring this action for the wrongful death of his father.

2. Defendant Michael Robert Oldani is a resident of Jefferson County, Missouri. The claim herein arose in Jefferson County, Missouri.

3. At all times material hereto, Vogel Road was and is an open and public street and highway in the County of Jefferson, State of Missouri.

4. On or about August 23, 2008 and at all times material hereto,

John Glen Lang (Lang) was operating a motorcycle northbound on Vogel Road near the intersection of Elmer Drive.

5. On August 23, 2008, defendant was operating a truck and traveling southbound on Vogel Road, and collided with plaintiff's motorcycle.

6. In colliding with Lang's motorcycle, defendant operated his truck negligently in one or more the following respects:

(a) operated his truck at an excessive rate of speed under the circumstances then and there existing;

(b) failed to exercise the highest degree of care to keep a lookout to the front and laterally so as to discover Lang's vehicle before colliding with it;

(c) failed to stay in the southbound lane of traffic;

(d) failed to sound a warning of his approach, to slacken speed, swerve or stop before colliding with Lang's motorcycle;

(e) failed to maintain proper control of his vehicle;

(f) failed to yield the right of way to Lang;

(g) negligence *per se* for driving in a careless and imprudent manner.

7. This claim is brought pursuant to the provisions of the Missouri

Wrongful Death Statute, RSMo section 537.080.

8. Defendant's negligence as described herein, directly and proximately caused or directly contributed to cause John Glen Lang to die and also to endure pain and suffering between the time of injury and the time of death. Plaintiff is entitled to a claim for damages based on this pain and suffering, all pursuant to the Missouri Wrongful Death Statute.

9. The above-stated negligence of defendant Michael Robert Oldani also directly caused or contributed to cause plaintiff C B to suffer the loss of services, consortium, companionship, comfort, instruction, guidance, counsel, training, and support by reason of the death of John Glen Lang.

10. Aggravating circumstances were also present herein, specifically the inattentiveness of defendant Michael Oldani in taking his attention off the road in order to answer a ringing cell phone in his vehicle. The conduct of defendant Oldani constitutes reckless indifference and conscious disregard for the safety of the deceased as well as others, thereby justifying the imposition of punitive damages.

WHEREFORE, plaintiff prays judgment against defendant in an amount that is fair and reasonable to compensate for the pain and suffering of the deceased, to compensate C B for the losses suffered, and for the aggravating circumstances, in excess of \$75,000.00, and for such other and

further relief as this court deems just and reasonable.

_____/s/ Patricia A Zimmer
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